

**PROCEEDINGS OF THE BROWN COUNTY**  
**EXECUTIVE COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the Brown County Executive Committee was held on Monday, December 4, 2017 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

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**Present:** Chair Lund, Supervisor Moynihan, Supervisor Hoyer, Supervisor Erickson, Supervisor Van Dyck, Supervisor Buckley  
**Excused:** Supervisor Schadewald  
**Also Present:** Supervisors Brusky and Lefebvre, Human Resources Director Kathryn Roellich, Internal Auditor Dan Process, Corporation Counsel Dave Hemery, Assistant Parks Director Matt Kriese, Director of Administration Chad Weininger, Public Works Director Paul Fontecchio, Representative Andre Jacque, other interested parties and media.

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**I. Call meeting to order.**

The meeting was called to order by Chair Lund at 5:30 pm.

**II. Approve/modify agenda.**

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**III. Approve/modify Minutes of October 23, 2017.**

Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**Comments from the Public:** None.

**1. Review Minutes of:** None.

**Legal Bills**

**2. Review and Possible Action on Legal Bills to be paid.**

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to pay the legal bills. Vote taken. **MOTION CARRIED UNANIMOUSLY**

**Communications**

**3. Communication from Supervisor Brusky re: This is my request that the Brown County Board of Supervisors write a resolution to the Wisconsin State Legislature in support of Assembly Bill 502 that would create and fund 20 assistant district attorney positions, of which Brown County would receive two positions. *Referred from November County Board.***

Supervisors Brusky and Lefebvre addressed the Committee. Brusky provided a handout, a copy of which is attached, containing a copy of Assembly Bill 502 and the accompanying study done by the State Department of Administration which is the basis for the bill.

Assembly Bill 502 was authored by Representative Andre Jacque and was first read into the Senate Judiciary Committee on September 20, 2017. The accompanying Senate Bill is Bill 573 and that was introduced into the Senate Joint Finance Committee on November 20, 2017. Brusky said the rationale for these bills is that by the State's own calculations the state is 140 Assistant District Attorney positions short. Brown County has one of the most severe shortages. By putting forth this legislation, Brown County would get two additional Assistant DA positions. Outagamie County would get the same and 22 other counties would get .5, 1 or 1.5 positions.

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Brusky continued that she has contacted a number of legislators to ask for their support. There are 11 legislators that have either part or all of their districts in Brown County. Five of those 11 legislators have signed onto the bill. One legislator who was reluctant to sign initially advised Brusky after speaking with her that he will now support this. Brusky also had a conversation with Majority Leader Jim Steineke who said he would speak with Representative Steffen and Steffen has now said he will support Assembly Bill 502. Brusky has also been contacting her constituents and asking them to address the legislators and they have.

The author of the bill, Representative Jacque, was at the meeting and Moynihan asked him what the current status of the bill is. Representative Jacque informed the bill is currently in both the Joint Committee on Finance and the Senate Judiciary Committee and the legislative process can move either quickly or very slowly. Representative Jacque continued that the intent of the leadership has been to finish up with the session in February or March and it would be timely to consider this now in terms of resolutions offering support. There are still some significant funds available outside the traditional budget process but there are some other ideas coming forward of how those funds could be used.

Jacque continued that in terms of the price tag, he is trying to make some sort of step in the right direction because this issue has been stagnant for way too long and the shortage in the DA's office in Brown County has reached a critical level. Moynihan said he applauded Jacque for bringing this forward and said while the county is an arm of the state government, the state legislators and the Governor have chosen over time to not address the needs in Brown County as well as a number of other counties. He also applauded the Supervisors for their work on this. Jacque said the need is even greater than what is being proposed, but he feels this is something that is a bipartisan failure and it is now at a point where it can have an impact on public safety. He noted there is an increasing complexity of cases and things like treatment courts and diversion that require additional prosecutory resources can suffer and victim and witness services also get the short end of the stick when there are not appropriately funded prosecutor positions across the state.

Jacque said he would like the support of the Board and noted he appreciated the support of Brusky and said she has managed to get the attention of some of his colleagues already. Moynihan recalled at the budget meeting there was an emphasis of some to add three ADAs and then it was reduced to two ADAs. Moynihan is all for helping the DA's office because he knows they need the help, but this is really the responsibility of the state. Jacque agreed and said at one point the prosecutors were funded at the county level but it was then taken over by the state for various reasons. Since that point in time, the state has not given this the attention it deserves. He continued that his legislation is drafted such that if the county would choose to fund additional prosecutors it would not be held against them, but his hope is that the bill will increase the number of prosecutors as well as speed up the implementation. Jacque feels those things are very achievable and that is the conversation he will have with his colleagues.

Supervisor Erickson said this is a very good idea and thanked Brusky for bringing it forward. He also thanked Representative Jacque for his work on this.

Supervisor Van Dyck recognized Brusky for her efforts in contacting the representatives and constituency because that probably does as much or more as the resolutions we do and noted that this would not be the first time this Board would do a resolution on this issue. We have done at least two others and it seems that these resolutions end up in the circular file and nobody pays much attention to them. Van Dyck said some Supervisors were willing to spend \$250,000 - \$300,000 to add ADAs but he feels sometimes we should invest a little more money in trying to educate the public such as Brusky is doing. He feels we should be getting the message out to the county so they can contact their representatives who may have a little more weight in moving things along rather than the county sending resolutions that do not seem to get a lot of response.

Supervisor Lefebvre noted she has a similar communication before the Public Safety Committee and she thanked the Executive Committee for considering this at this meeting. Brusky said Representative Kitchens has now signed on to this bill. Both Brusky and one of her constituents have left messages for Representative Nygren however Brusky has not heard back from him but she is hopeful he will think about this because he is one of the representatives we need to get on board. Lund noted that he would give Nygren a call as well.

Jacque addressed Van Dyck's comments regarding how the legislature views resolution and said they do take note of them. People seem to take more note of them if they are not already signed on to legislation so they can get a pat on the back and he is pleased that there is bipartisan support from Brown County and NE Wisconsin. The DA issue has been discussed at legislative luncheons and breakfasts in the past and there still has not been a change. Jacque continued that DA Lasee came to one of the listening sessions when the budget was being prepared. He appreciates the thoughtful discussion that occurred in Brown County at budget time and feels the media recognizes the depth of the issue and he is hopeful they will speak to legislators on it, especially legislative leadership here in NE Wisconsin. Jacque said his legislation basically allocates prosecutors to the counties that have been identified as having the greatest need, however, there are a number of ways to look at allocating additional positions. That is something this legislation recognizes and he feels there needs to be a legislative commitment to do something about the problem and move in the right direction to allocate additional prosecutors. When Jacque talks to DAs from other counties, they really wonder how DA Lasee is able to do what he does given the depth of the understaffing in his office and that is something that is of serious concern to him because there needs to be justice for victims as well as the ability to prosecute those crimes that keep our public safe.

Moynihan said this is a starting point. Jacques agreed and said it is a modest starting point that is meant to start the conversation with the hope that there will be some resolution yet this biennium increasing the number of prosecutors. He feels there is bipartisan support for this and if funding is allocated it is something the Governor will sign.

Van Dyck noted the two largest counties, Dane and Milwaukee are staffed very well according to their need. Brusky said she is willing to share her communication from state legislators with the Board if anyone is interested.

**Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to direct staff to create a resolution and bring back. Vote taken. MOTION CARRIED UNANIMOUSLY**

#### **Resolutions, Ordinances**

4. **Resolution Transferring Ownership of Land from the County of Brown to the City of Green Bay Baird Creek Parkway-Triangle Hill Sports Area.**

Lund asked Assistant Park Director Matt Kriese if in the event this property is deeded to the City, the City could potentially use this as residential property. Kriese said that within the deed's restrictions, upon acceptance by the City of Green Bay, if the City would use this property for anything other than park, recreation, historic or natural resources purposes the property would immediately revert back.

**Motion made by Supervisor Van Dyck, seconded by Supervisor Hoyer to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

5. **An Ordinance to Amend Schedule A of Section 340.0003 of Chapter 340 of the Brown County Code of Ordinances.**

Van Dyck asked Public Works Director Paul Fontecchio if the county is required by law to do the study that was performed in regard to this ordinance change. Fontecchio responded that the state does require a study. Van Dyck said he does not have an objection to changing the speed, but if the only requirement is the municipality requests it, he questions why a study is necessary and noted that the study says we should not change the speed because there is no basis by which to change the speed other than the municipality requested it and it will be approved simply because the municipality has requested the reduction. If the requirement is simply that the municipality asks for it and we honor it, Van Dyck feels the ordinance should be changed to say the county will change the speed limit upon request. He noted we have gone through this in the past where the study did not justify changing the speed but in the end it was changed because the municipality asked for it. Van Dyck reiterated he is not opposed to changing the speed limit, he is opposed to the process that we have to go through to say do not change the speed limit and then the Board changes it anyway because the municipality asks for it.

Fontecchio responded that state law requires a speed study to be done and it also says that local or state officials have the authority to change the speed limit. They use the study to, at the very minimum, know the facts. Part of

the facts are that there is due process within municipalities and if there are residents that want the speed limit changed, that is a factor. Fontecchio noted the ultimate decision rests with the Board.

Erickson added that once these things come to Committee, the Committee looks into them and sometimes limits are changed and sometimes they are not. They take into consideration the growth of the communities and the feeders and subdivisions that have been built and are going to be built and they look at the traffic flow during the busy times. Fontecchio added that they try to cookie cutter these things as much as they can. He created a template with language that will be included in every speed study. They try to make things as painless as they can, but at the same time they have to do their due diligence and doing a speed study is part of that process.

Lund said he talked to Supervisor Schadewald about this as the road falls in his district and Schadewald is in favor of lowering the speed limit by five miles per hour.

**Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**6. An Ordinance Amending Sections 4.25 to 4.40 of Chapter 4 of the Brown County Code of Ordinances, and Creating Sections 4.401 to 4.405. *Referred from October County Board.***

Corporation Counsel Dave Hemery said this entire section is before the Committee, but only three sections were referred back – Sections 4.25, 4.315 and 4.40(2).

**Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to approve. *No vote taken.***

Van Dyck said he would like to have separation on these sections and asked if there were any changes made to any of these sections. Hemery said this is what was presented before and was sent back to this Committee to see if any changes were desired.

With regard to the section regarding interviews, the original that was sent out said that internal candidates would be paid while interviewing and now it says they will not be paid. Hemery clarified that if someone is interviewing within their department, they will be paid and will not have to use time off. If an employee is interviewing in a different department, they will have to utilize time off.

Van Dyck said this is the same language that was debated in October that was referred back so the Supervisors who opposed the language that night should be speaking to this.

Lund referred to Section 4.25 and said he does not like the way it is written because it says there is no requirement to fill all of the positions authorized by the County Board. He feels it should read that if the positions are not filled they have to come to the County Board for approval because otherwise it shows the Board has no authority over positions. Moynihan disagreed and said one thing is the table of organization and the other is filling the positions, so it is apples and oranges. Lund does not like that it says there is no requirement to fill all the positions authorized by the County Board. Department heads are encouraged to continually evaluate the department's needs prior to filling open positions. Lund does not have an objection to that language, but he believes language should be added that all deleted positions need to be approved by the County Board. Hemery noted that a lot of time positions become open and there is some debate as to whether they should be filled or not. The Executive and HR Director meets each Monday morning to discuss open positions. HR Director Kathryn Roellich noted that at the County Board meeting a motion was made and passed unanimously to strike the sentence so it is no longer in the final draft. Roellich said what was included in the agenda packet is what was originally submitted; only the three sections referenced above need to be reviewed. It was indicated that a red lined copy of the changes should have been included in the agenda packet for this meeting. Van Dyck would like to see exactly what was approved at the October County Board meeting and then go from there.

Roellich said she will print a copy of what was amended on the County Board floor at the October 18 meeting. Lund said she should also bring the three sections we are talking about here in a separate, red lined version.

**Motion made by Supervisor Van Dyck, seconded by Supervisor Moynihan to refer to January meeting. Vote taken. MOTION CARRIED UNANIMOUSLY**

**7. An Ordinance to Amend Section 4.49 (Entitled 'Extra Pay') of Chapter 4 of the Brown County Code of Ordinances.**

Roellich informed this is in relation to the conversation regarding the payment of overtime calculated on holiday and vacation. She has been meeting with department heads and employees throughout the county and discussing more equitable pay policies. One of the things that has been identified is the need for incentive pay which is the language added under (5) and the rest of the changes made in this section were just to clean up the language.

Lund said there will obviously be some cost associated with this and asked when we will get the language to know what incentive pay is being proposed for each department. Roellich said as discussed at the budget meeting, she will come back at the December Board meeting to give an update as far as the departments she has met with. She will also have fiscal information on as many departments as she can but noted she has been doing a lot of meetings and is not sure she will have all departments done by the December meeting. Lund suggested this be held for a month to allow Roellich time to complete her meetings so she can bring complete information forward. He said it is difficult to pass something that is so vague.

Roellich said when this was discussed at the County Board meeting there was projected dollars associated with the costs of the overtime calculations. The objective of looking at the pay equity is not to exceed those projected dollars and that would include the incentive pay. Roellich noted that some departments have identified that they do not have any need for the specialty or incentive pay so the figures should be at the same or less than what was projected for overtime and holiday pay and it is coming out of the 2% set aside from the class and comp.

Lund reiterated this would be very hard to pass at the Board level when there is not complete information with a fiscal impact and a breakdown of what each department will be getting. Roellich said when this was discussed at the County Board meeting, the ordinance change eliminating the language regarding overtime calculated on holiday and vacation was passed. The compensation resolution was also passed that said overtime would be paid based on the Fair Labor Standards Act and HR would have the ability to work with department heads to develop more equitable pay policies to address issues specific to each department. The resolution also authorized the Department of Administration to take steps necessary to carry out that provision. Roellich thought what she was to provide tonight was an update since the funds were already set aside.

**Motion made by Supervisor Moynihan to refer to next regular Executive Committee meeting. No second; motion rescinded.**

Roellich continued that at times at the CTC, CNA positions need to be filled and if there is not enough staff to fill the vacant positions, they hire agency staff which often costs twice as much as using our own staff. An example of the incentives that have been discussed is that they would give a \$25 bonus for people who fill a shift less than two hours prior to the start of the shift. The \$25 incentive would end up saving a lot more than that on the contracted services side.

Hemery added that the changes being proposed here would put in place the structure where these payments may be made and it does read "in accordance with HR approved departmental policy" which would require HR to meet with departments to establish formal policies which would have to be approved by HR before any payments could be made. He also noted these changes would come back to the Committee and the Board.

Van Dyck said he is agreeable to the change and is supportive of it, but he thought we were going to get back information as to the changes being made, such as if a shift differential changes. He understands there will be winners and losers in the process because just because someone may have made money on the overtime provisions last year does not mean they will be compensated a comparative amount in some other manner. He feels what has been added is too wide open and does not think it will fly. He feels there will be problems on the Board floor because this basically gives carte blanche discretion to Administration which is not going to go over and he also feels we have to get over this notion where the previous policy cost x amount of dollars and therefore somehow or another we have to spend that same amount in using some other type of methodology. If changing

the methodology to some other kind of incentive only uses part of the money previously spent, then that is where it should end up being. Van Dyck is not looking to have staff come back and say they have come up with incentives that total a certain amount of dollars, especially since some departments do not have a need for any incentives. He feels this has to be more specifically detailed because it is too wide open the way it is currently written and he does not feel the Board will support this as is.

Roellich said she is open to suggestions with regard to incentives. She also said she is not expecting that what was spent on the deleted overtime provision would be spent on incentives; she is trying to be realistic in identifying the issues that create problems for employees and trying to be reasonable with being competitive on those issues with other areas in the labor market. Van Dyck understood that, but feels there should be specific bullet points included in the ordinance. Roellich said shift differentials are all over across the board. There is no consistency across all departments with those items. Van Dyck reiterated he feels this is too wide open the way it is.

Director of Administration Chad Weininger said things like shift differentials should be static in the ordinance. It should be somewhat pliable so it can be changed during the budget. Budget appropriated funds are somewhat limited and he noted we do not have all of the pay scales in the ordinance, they are in the budget. Roellich said she has already met with about half of the departments that wanted to meet on this. Weininger said the ordinance change is only saying that departments can work out something other than what was approved last time but it cannot exceed what was already set aside. It would just give them the freedom to do that. Weininger said if the Committee would be more comfortable, they could hold that section to see what changes are being proposed and how they would be implemented and then pass it at that time.

Van Dyck said what he is saying is that in the extra pay provisions, shift differentials should be defined as an item. He is not asking to put the specific numbers in because he understands those vary by budget, but at least it would be defined that the county is going to pay a shift differential. As this is written now, it says the county will pay something that has not yet been defined as an incentive or premium and that is where he has a problem. He does not care if a new category is defined, but it should at least be a category.

Erickson agreed that as written this is somewhat vague. He acknowledged that HR is saying they are not trying to equate this to what was paid last year, but throughout the language it says *may* receive, *may* be eligible, etc. To him, using the word *may* means that employees *may* also not get it and he does not like that particular word. He recalled working with the Public Works Department in the past and looking at overtime outside of scheduled hours and he called a number of counties and found out that some of them have what they call snow plowing pay which is in effect for the winter months and they pay overtime outside of scheduled hours during that period and then when the period ends it reverts back.

Roellich said discussions have been had with multiple departments talking about things like call in pay, call out pay, special assignments, etc. and that is what she is working on gathering and putting the fiscal impact together on and bringing to the December 13 County Board meeting so she can give an update as to the type of things they are talking about and the associated costs.

Erickson said he would like to see the word *may* replaced with the word *shall*. Roellich disagreed with using the word *shall* because not every department will be using the provision so the ones that it is applicable to can have it applied as a *may*. Lund said with regard to shift differentials for example, some people working second shift will not get a shift differential while others working second shift would get a differential. Hemery said that if a department does not have a problem recruiting people to work second shift, they would not pay a differential while departments that find it difficult to recruit for second shift would have the ability to offer a differential.

Moynihan said that section 5 is a statement, "you may be eligible for these things", and then you drill it down to the departmental policies. That is where those policies would be laid out.

Erickson would like to see the departments listed that this will apply to. He said he can talk with the department heads that report to Planning, Development and Transportation to see what they want to pay. He recalled a few years ago there were payroll nightmares with people on shift differentials and it got very confusing and was

somewhat of a disaster. This current proposal may work fine, but the departments are all working at different levels and he can see payroll staff having a difficult time with this.

Roellich said the payroll system the county currently uses allows for defining employee groups. For example, all employees who earn a certain incentive or shift differential can all be put in a group and then the rules are applied to that group. People who earn a different incentive can be put in another group with others who get the same incentive and so on. Roellich does not have concerns that this can be kept straight and accurate from a payroll standpoint.

Roellich continued that she understands the concerns about how broadly this is written and she does not have a problem going back and more specifically defining some of the particulars we talked about. Her concern with including different departments is that from year to year and budget to budget, supply and demand of available work force will alter and change. Weininger also said there are some financial constraints with this so even if HR says go ahead; it still would have to go before the Board for approval so there are checks and balances. HR's intent is to create something wide enough to allow for flexibility for the departments to come forward with targeted problems. He said if the Committee wants things more defined, that can be done, but it was written in a way that would allow for flexibility. On the back end there is the financial oversight too. For example, if in 2019 they want incentive pay that is not budgeted, they would have to come back to the Board for approval anyway.

Moynihan said he made the motion earlier to take this back up in January to allow Roellich time to meet with the rest of the departments she has to meet with; however, he is willing to rescind his motion. Roellich said her only concern would be as she is putting together pay policies with departments, some of the things may want to do would fall under the incentive type pay.

Van Dyck said 4b is a perfect example of what he is talking about. In that particular case they scratched out a few things under "training pay" that would make it apply to any department. He is fine with that; all he is asking for is a definition of what those things are. He feels we are so concerned about budget and the idea when this was passed was that HR was supposed to bring back how this was going to be spent. What he is hearing now is if it falls under 5 and it is a budgeted item, which it is for this year, then HR does not have to ask and can come up with any type of incentive program they want, but that is not what was talked about. Further, if there is not going to be any longevity, that is not what he was assuming was being done. He assumed we were putting things in place to fix problems for the long term. Van Dyck is not sure what the hesitation is but it seems like HR is trying to come up with a program quick to show employees we took the money away, but we are going to give it back, but we haven't quite figured out how. He agreed with what is being done but HR is not defining how it is going to be done, they are asking for an open-ended item so they can come up with items to implement.

Roellich said she will bring information forward at the December 13 Board meeting. Moynihan said that will result in doing Committee work on the Board floor. Lund said the real work is in passing the ordinance but there will be justification available at the meeting. Moynihan said the justification gets down to the words "departmental policy". Each section of the county will have that departmental policy umbrella. Lund said he is not opposing this this evening, but at some point the Board needs to have more information or it probably will not pass; we have an ordinance for extra pay and we need more information on what HR is looking at doing in the departments and why. Lund said this is starting January 1 so it should be done soon so the employees know and we can get the ball rolling.

**Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to approve. Vote taken. Ayes: Moynihan, Hoyer, Lund    Nay: Van Dyck, Erickson. MOTION PASSED 3 TO 2**

## **8. Opioid Litigation Resolution.**

Hemery informed that about 50 of Wisconsin's 72 counties have now joined litigation against opioid manufacturers. The WCA brought this idea forward in conjunction with several law firms and what is being asked of this Committee at this time is for the county to sign an engagement or retainer letter to retain three different law firms, von Briesen & Roper, Crueger Dickinson LLC and the national firm of Simmons Hanley Conroy LLC to represent the county. The von Briesen firm would help coordinate these matters and provide assistance to the county while the other two firms would handle the primary litigation. There would be no out-of-pocket costs to the county and the

case would be handled on a contingent fee basis. Should the suit be successful the law firms would receive a contingency of 25% and the remaining settlement would go to the county, less any costs and disbursements.

Hemery continued that the costs as he sees it would be mainly in time and resources as he anticipates a good deal of discovery where different departments would be putting together information on how the opioid crisis has affected them directly such as with increased Sheriff's costs for increased arrests, increased inmates in the jail and increased Human Services costs. There is really not many areas that the opioid crisis does not affect.

Hemery has spent a good deal of time and effort weighing the pros and cons of this litigation and the pros greatly outweighed the potential cons. He would anticipate that it would be two to three years before the case would be resolved, but he thinks it would be time well spent and he would ask the county to sign on by supporting the resolution which authorizes signing the retainer agreement.

Moynihan asked if there are any accounts of opioid manufacturers being found guilty of criminal liability within the United States. Hemery said he is not aware of any criminal liability but one of the law firms that would be working on this has successfully recovered a reward against a major opioid manufacturer.

Erickson agreed that the cost to the county and the disruption to families and individuals is very large and he questions if we are developing a bandwagon that everyone is going to jump on. He has not heard any instances of opioid manufacturers standing on street corners trying to sell drugs. He said the opiates started out as a drug to help people. Hemery said personal responsibility does enter into this, but there would be multiple causes of action contained in the complaint. One that really stood out with Hemery is allegations that the opioid manufacturers had information and knew of the highly addictive nature of these drugs. Typically drugs that are so highly addictive would only be prescribed for short term use, but these drugs were pushed heavily for long term use. Personal choice goes out the window when someone is addicted to these drugs. Hemery does not view this as a situation where someone makes a bad choice and then decides to sue; this is something that was marketed as safe for both short term and long term use when it really was not. Erickson asked if there are any statistics of how many people who are now addicted to opiates started by being prescribed the drugs by a doctor. Hemery said that what often happens is it starts with a prescription and some doctors are more than willing to continue to prescribe, but if a doctor cuts someone off, the person turns to other methods to obtain their drugs which also leads to the heroin crisis.

Van Dyck asked if there has been any consideration of looking at the medical profession along with the manufacturers. He said it seems to be pretty well known that there are addictive qualities to these drugs but they are continuing to be prescribed, sometimes recklessly. Van Dyck said most doctors are employed by some type of network or affiliation and they should bear some of the responsibility as well for continuing to prescribe these opiates. He feels if they are also involved in a lawsuit it would bring attention to the fact that they need to be more diligent in prescribing these drugs.

Hemery referenced a recent Manitowoc County case where a decision came down where no liability was found on the doctor's part even though the allegations were fairly egregious. Hemery said it is much easier to go after the manufacturer of the product than the doctors who are, to a great extent, relying on representations that the manufacturers make.

Hoyer agreed with Hemery in that the doctors were told these drugs were safe. He said there are much safer long term pain relief options and he feels the way the opioids were pushed under the understanding that they were safe was negligent of the manufacturers. Hoyer suggested people talk to people who are long term opioid users and learn of the regulations and paper work involved. There was a time when opioids were disbursed like candy, but now this process is very highly regulated, at least in terms of the legal prescription for short term and long term care and there is also awareness across the board for physicians. Hoyer is hopeful we can undo the damage and find better medical ways to deal with pain management.

Moynihan said when he first looked at this he gave pause due to the self-responsibility aspect, but the more he looked at this he felt there was merit and he is more than happy to join in with other counties in this fight.



Van Dyck asked if the Board could direct where any settlement funds should be used. He would like to see any settlement proceeds used towards the issue and not simply dumped into the general fund. Hemery said that ultimately the decisions on the settlement would be up to the County Board.

**Motion made by Supervisor Hoyer, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**Standing Item**

**9. Discussion of 2.12 of the County Code of Ordinances: The duties and responsibilities of the EXECUTIVE COMMITTEE. Held for one month.**

**a) An Ordinance to Amend Subsections 2.05(6) and (14) of Chapter 2 of the Brown County Code of Ordinances.**

Moynihan said this is basically verbiage to spell out that only items acted upon will move forward as opposed to those items that were tabled or held.

**Motion made by Supervisor Moynihan, seconded by Supervisor Van Dyck to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

*Supervisor Buckley arrived at 6:51 pm.*

**b) An Ordinance to Amend Subsections 2.13(4)(h) and (i), and (5)(a) and (f), of Chapter 2 of the Brown County Code of Ordinances.**

Moynihan said this is more clean up language to what was just passed above.

**Motion made by Supervisor Moynihan, seconded by Supervisor Van Dyck to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**c) An Ordinance to Amend Subsections 2.14(18) and (22) of Chapter 2 of the Brown County Code of Ordinances.**

Moynihan said 22 seemed so convoluted so that was struck and language was added under 18 with regard to people wishing to address the Board.

Moynihan said he is continuing to look at things and is still considering a consent agenda and he will keep the Committee advised in this regard. He is also looking at making some changes to the committee structure and he will provide further information before the next Board is elected.

**Motion made by Supervisor Moynihan, seconded by Supervisor Van Dyck to approve. Vote taken. MOTION CARRIED UNANIMOUSLY**

**10. Internal Auditor Report**

**a) Board of Supervisors Budget Status Financial Report – October 2017 (Unaudited).**

**Motion made by Supervisor Erickson, seconded by Supervisor Buckley to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY**

**b) Status Update: October 1 – November 30, 2017.**

Internal Auditor Dan Process commented on the variance request by Grounded Café at the ADRC. He said the County does have a cash handling policy that provides guidance and stipulates certain internal controls should be in place but the policy allows for variances when needed. Process and Weininger have talked about the requested variance at Grounded Café and they feel the variance is justified. Process is providing this situation as an example of the variance process. He asked if the Committee would like to see the variance requests when they come through and it was indicated that he can simply include the variances requested in his regular monthly report.

Process talked more about the variance request from Grounded Café and informed that normally everyone has their own log in and password. The Grounded Café is asking for a variance to allow employees to all log in using one user ID and password. The justification is that the employees are adults with disabilities who may have difficulty in remembering passwords and user IDs. He assured that there are mitigating controls in place to track the information and Weininger added that the dollar amount we are talking about here is rather small.

**Motion made by Supervisor Buckley, seconded by Supervisor Moynihan to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Corporation Counsel**

**11. Corporation Counsel Report.**

Hemery did not have anything formal to report unless anyone on the Committee had any questions.

**Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Human Resources**

**12. Budget Status Financial Report for September and October.**

**Motion made by Supervisor Van Dyck, seconded by Supervisor Erickson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**13. Turnover Reports for September and October.**

**Motion made by Supervisor Van Dyck, seconded by Supervisor Erickson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**14. Department Vacancies Report.**

**Motion made by Supervisor Van Dyck, seconded by Supervisor Erickson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**15. Health Plan Report.**

Roellich informed the health plan is currently running at 116%. Lund asked if Roellich anticipates being short next year as well and Roellich responded that with the adjustments made to the premiums she feels we will be in a much better place next year. The shortfall at this time is roughly \$2 million dollars. Roellich said they are already looking at the plan and total benefit packages for 2019 so they can be more proactive going into that year.

**Motion made by Supervisor Van Dyck, seconded by Supervisor Erickson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**16. Dental Plan Report.**

Roellich reported the dental plan is currently running at 95%.

**Motion made by Supervisor Van Dyck, seconded by Supervisor Erickson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**17. Human Resource Director's Report.**

**Motion made by Supervisor Van Dyck, seconded by Supervisor Erickson to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY**

**Department of Administration**

**18. Budget Status Financial Report – Levy Funded Departments as of October 31, 2017.**

Weininger provided the Committee with a handout, a copy of which is attached. The report looks a little better than it really is. The Medical Examiner's Office shows a surplus but it will probably end up as a deficit due to the number of autopsies. Circuit Courts are expected to be closer to zero and the Sheriff's Department is projected to be in the red by \$221,000 which is attributed to the boarding of inmates in other counties. The Treasurer is showing a surplus but it is very likely that it will end up at zero or less. Community Programs has a substantial negative of \$1.9 million dollars, but for the first time in a long time the CTC looks like it may finish at zero.

With regard to debt service, Weininger said the rebates have become quite substantial and there is starting to be a surplus in that fund, but there really should not be a fund balance in that account so they are going to start using some of those dollars.

Weininger also talked about the payment shown in the budget adjustment log under administration for the half million dollar payment we need to make to Associated Bank to cover the KI expansion that was part of the room tax agreement. This payment will be made with fund dollars and as soon as the sales tax money comes in they will switch it over.

**Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**19. Director of Administration's Report.**

Weininger informed that Supervisor Schadewald asked him to quantify what has been done by the Board in the last two years. The handout he provided shows a two year budget overview, sales tax overview and 72 month investment plan and Weininger spoke to several of these items. He noted there are other tangible things like the PACE program that help invest in community growth.

Weininger also covered the cash flow timing chart contained in the agenda packet and said he will keep the Committee updated as the tax flow starts coming in.

**Motion made by Supervisor Buckley, seconded by Supervisor Moynihan to receive and place on file. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY**

**County Executive**

**20. County Executive's Report.**

*No report; no action taken.*

**21. Closed Session:**

- a) **Open Session: Motion and Recorded Vote pursuant to Wis. Stats. Sec. 19.85(1), regarding going into closed session pursuant to Wis. Stats. Sec. 19.85(1)(g), i.e. conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, in particular, conferring with legal counsel regarding a lawsuit in which the County is a defendant.**

**Motion made by Supervisor Van Dyck, seconded by Supervisor Erickson to enter into closed session. Roll call vote taken. Ayes: Van Dyck, Erickson, Lund, Moynihan, Buckley, Hoyer. MOTION CARRIED UNANIMOUSLY**

- b) **Convene into Closed Session: Pursuant to Wis. Stats. Sec. 19.85(1)(g), convene into closed session for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice**

concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, in particular, conferring with legal counsel regarding a lawsuit in which the County is a defendant.

*No action taken.*

- c) **Reconvene into Open Session:** Reconvene into open session for possible voting and/or other action regarding a lawsuit in which the County is a defendant.

Motion made by Supervisor Moynihan, seconded by Supervisor Hoyer to return to regular order of business. Roll call vote taken. Ayes: Van Dyck, Erickson, Lund, Moynihan, Buckley, Hoyer. **MOTION CARRIED UNANIMOUSLY**

**Other**

22. Such other matters as authorized by law. None.

23. Adjourn.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to adjourn at 7:34 pm. Vote taken. **MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

Therese Giannunzio  
Recording Secretary

## DA: BROWN COUNTY NEEDS PROSECUTORS

Brown County's top prosecutor says proposed additions to his office are much needed.

District Attorney David Lasee says the county's current backlog is roughly 3,000 cases, with about 500 new cases being added to that total each year.

A legislative bill being introduced by Representative Andre Jacque and Senator Van Wanggaard calls for the creation of 20 new assistant district attorney positions across 24 Wisconsin counties.

Those positions would be funded in the 2017 – 2019 biennium and would take effect in January 2019.

Brown and Outagamie counties would receive a state-high two prosecutors apiece.

Lasee notes those positions would help ease his office's burden.

"I think, with two new prosecutors, we have the ability to ensure that there are no new cases added to the backlog every year, and we would also start to make a dent on that as soon as those prosecutors are able to start."

While criminal felony filings have remained fairly level at 1,800 – 1,900 annually the last few years, Lasee says there was a significant increase roughly 5 – 7 years ago, from which they still have not recovered.

In 2017, Lasee notes Brown County is on pace to see its most criminal felony filings in a single calendar year.

"There have been cases that have lapsed because we simply could not get to them in a timely manner. I believe that we're getting to the most serious cases and issuing them, but even in those instances, there are delays as a result of our staffing."

Lasee says his office currently has 16 attorneys (13 state-funded, 2 county-funded, 1 grant-funded).

He notes the last state addition was made in 2002.

Since, Lasee says he has consistently asked for 3 – 4 new ADAs in each budget cycle, including requesting four in the last one.

In drafting the bill, Jacque and Wanggaard used a 2016 study that looked at the years 2012 – 14.

Based on that data, they believe this legislation would bring all counties except Florence County to at least 58.5% of estimated full-time equivalent levels.

Governor Walker did not include any new ADA positions in his budget proposal, instead funding raises for current prosecutors, with hopes of keeping them from leaving for the private sector.

Jacque and Wanggaard's proposal is estimated to cost \$607,296 - \$726,398 in the upcoming biennium.



# Wisconsin district attorneys feel staffing squeeze

Nov 22, 2016

Juneau County District Attorney Mike Solovey examines a case file during a busy day in his office. Solovey, who has served as the county's lead prosecutor in two separate stints, said the compensation for assistant district attorneys should be higher, which would entice them to stay on the job longer.

*Kenn Damask, Star-Times*

Wisconsin has become tough on crime, and crime has become tough on prosecutors.

Over the past three decades, law changes and stiffer penalties have led to more criminals behind bars. While it may sound like good news to many, prosecuting these complex crimes has become a daunting task for district attorneys and their assistants.

Many DA offices in the state are understaffed. Prosecutors have requested more help from legislators for several years, but with budgets tight, those requests are fleeting. To add to the frustration, long hours and the stressful caseload are driving assistant DAs out, making constant turnover a headache for their bosses.



As the legal system continues to increase in complexity, and new laws added to the books, prosecutors argue the state needs to allocate more funding for the work they do. The state claims it has, but DAs argue pay progression plans haven't come to fruition.

## Lawyers stretched

Dan Berkos is a former Juneau County district attorney and has chaired the state public defender's board since 1988. He's also built a career as a respected defense lawyer.

While Berkos believes there are staffing issues in DA offices, he said the problem is more widespread throughout the justice system. In the past 25 years, the state public defender's office also has added staff to keep up with its demanding caseload.

"There have been multiple studies on what the staffing should be," Berkos said. "For instance, our attorneys in the state public defender's office average about 140 percent of what the American Bar Association says it should be, so we're well over caseload. I'm sure DAs are in the same boat. But, the difference we have between us and the DAs is that, to some extent, they control how much is filed, when it gets filed and when a case is closed. Public defenders have to accept cases as they come in."

Berkos said DAs have more flexibility in handling the workload. He said DAs have faced questions as to whether they are charging more crimes to inflate their caseloads. Berkos said the state Legislature has affected the work DAs do by adding laws and making them more complex.

"I laugh when I see the new budget proposals that come in and the bills that get offered up," Berkos said. "It's like within 10 years everybody in Wisconsin is going to have a felony conviction for something. This tough on crime thing, I understand where they're coming from, but I think it's misplaced. Every time you pass a new law,

the prosecutors are going to have to charge it and public defenders have to have attorneys that are available to them."

### **Political dispute**

According to Berkos, the state public defender's office has about 375 staff attorneys in 37 offices. The office has a budget of about \$90 million, but has to pay for administrative staff and facilitate offices. As a private attorney, Berkos will take on some cases that would usually go to public defenders, but it comes at a higher cost to the public defender's office.

"We actually reduce our budget by hiring more staff," Berkos said. "DAs don't have that luxury. If they hire staff, it's just more to put into the budget."

Berkos believes politics played a role in the DA staffing shortage when Gov. Jim Doyle was in office. Berkos said prosecutors feuded with Doyle and members of the attorney general's office and they continue to face punishment for it.

"They've been cut short and I don't dispute that," Berkos said. "But I think they don't lobby the fact they've been cut short properly."

There are 71 district attorneys in the state, with one DA handling two counties. With DAs controlling separate offices across Wisconsin, it's difficult for them to join forces and push for staff increases. Berkos said the public defender's office created a board in the 1970s to advocate for legislative change.

"The DAs don't have that," Berkos said. "Basically they have 71 bosses and no soldiers."

State lawmakers are faced with tough decisions in every budget cycle. While studies show DAs need more assistance, Berkos said they've taken an almost "antagonist" approach to the situation, which has brought a cold shoulder from legislators.

"DAs have taken a much harder stance. (The public defender's office) has been criticized that we don't take a tougher approach, that we should come in and scream and yell every time a new budget is passed," Berkos said. "I have to go back to them every two years for a new budget proposal, so why would I want to make these people mad?"

The increase in caseloads has also affected judges. Juneau County has two full-time circuit court judges: John Roemer and Paul Curran. Berkos said the county could likely use another full-time judge to handle cases.

### **'Overwhelming' caseloads**

In Sauk County, Kevin Calkins has been a fixture in the DA's office for nearly 30 years. Calkins served as an ADA for almost 25 years before being elected to the county's top prosecutor role in 2012.

"I don't think there's any question that caseloads are overwhelming," Calkins said.

Early in his career, Calkins saw a major change in state prosecution. Prior to 1990, ADAs were funded by the counties they served, not the state. The law change allowed assistant prosecutors to collectively bargain for wage increases, but Wisconsin has tightened its belt, and it's placed a strain on funding.

In Sauk County, the DA office has five full-time attorneys and one grant-funded employee, which is on a limited-

term basis and isn't considered full-time. Calkins said that's only a slight increase from the four full-time attorneys it had in 1990.

"We're handling double the caseload now," Calkins said. "We are actually telling law enforcement agencies to charge certain types of offenses as county ordinances and to not send them to the DA's office because we don't have time for them."

Calkins said his office's felony caseload has risen dramatically since 1990. Since that time, Wisconsin has taken a harsher stance on drunken driving, making a fifth offense a felony. Felonies also have increased for domestic violence prosecution. The laws are aimed to keep the public safe, but it's difficult for prosecutors to keep up.

"We're also seeing a much more sophisticated defense bar as well, as far as attacking things," Calkins said. "Not only are the numbers going up, but the time being spent on cases is going up too."

In addition, cases have had a wide-ranging scope, from homicides to burglaries. The recent rise in opioid drug abuse has kept law enforcement and prosecutors busy, especially in rural Wisconsin.

"We're seeing a lot of heroin offenses, such as theft to support a heroin habit," Calkins said. "We're seeing plenty of heroin overdoses and possession... We don't have one specific type of case we see on a regular basis."

#### State compensation

Current Juneau County DA Mike Solovey said ADAs should receive better compensation for the grind they deal with every day. The average starting salary for an ADA is about \$49,000. But many counties in the state hire part-time assistants to fill gaps, and those positions pay less with no benefits. Solovey said it's difficult for young attorneys to make a living because they're often saddled with significant student loan debt.

"The state was supposed to implement a wage progression that would last through the next couple budgets, but they've never funded it," Solovey said. "The squeeze is on."

Solovey said ADAs often put in 50-60 hours a week, but are paid for 40. Not only are the weeks long, but the stress of being a prosecutor can take an emotional toll.

"Every case is different and you have some that will wake you up in the middle of the night thinking about them," Solovey said.

Despite the rigid nature of the job, Solovey ran for reelection this year. He lost to challenger Ken Hamm, a young defense attorney who will make his first foray into prosecution upon taking office Jan. 3. Solovey also served as Juneau County DA in the 1970s. Despite losing his post, he admitted he's looking forward to retirement.

"There's a reason why the system doesn't just totally collapse," Solovey said. "It's because DAs uphold the law and constantly take that to heart. We just keep plugging along."

"It's a tough business — law demands a lot. It can affect a person deeply; effect how you look at the world and look at the people around you. When do you get time to rejuvenate? When can you recharge your batteries?"

#### Change unlikely

Solovey doesn't see the state-funded system changing any time soon.



"If they expect you to keep working 80 hours a week, eventually you will burn out," Solovey said. "I've had to replace ADAs in my office every 6-8 months."

Jake Westman, Solovey's only full-time assistant, is leaving for a position in the state attorney general's office. Westman begins his new role Dec. 1. Jessica Miller, a part-time ADA, was hired earlier this year to replace Brian Bultman.

Hamm said he will push to increase the part-time position to full-time. The incoming DA plans to implement a drug treatment court, which would require more work, but could save the county money.

"I'm hoping we can obtain a grant to fund that increase," Hamm said.

Tania Bonnett has experienced the staffing struggle as both an ADA and DA. Bonnett has served as Adams County's DA since 2011, but was an assistant prosecutor for seven years before becoming a DA.

Bonnett said in her office, the state funds one ADA position at 20 percent. To provide more help, Bonnett worked with the county to reclassify an office manager position into an attorney role.

"They haven't increased staffing for us in way too long," Bonnett said. "As a result we have another attorney in the office, but he's also busy with administrative duties. It's less than ideal."

#### Performance impact

Bonnett believes the heavy workload doesn't allow her staff to perform its job effectively. She doesn't always have the time she needs to prepare for a trial, which could hurt victims' cases. Bonnett has a three-day trial coming up at the end of November. Ideally, she would like to spend a full eight-hour day prepping, but time needs to be divided among other cases.

Steven Michels, Communications Director from the Department of Administration, said prosecutor work studies are done every couple years to analyze county caseloads to determine staffing needs. In 2007, the state Legislative Audit Bureau published an extensive report addressing the DA staffing shortage.

"The pay progression plan sounds nice, but it's not actually happening," Bonnett said. "In the last budget (2013-15), it was written into the statute, but it went unfunded. Nobody is getting a pay progression right now in our ADA ranks."

Michels said the state made a \$14 million investment in additional compensation for ADAs in the last biennial budget. In the 2015-17 budget, the plan calls for a 2 percent increase for all prosecutors with at least one year of experience.

"It was up to the discretion of the district attorneys how this money should be allocated," Michels said. "Some prosecutors may have received a larger than 2 percent raise. The increase is in stark contrast to what other state employees received. In the 2015-17 budget, state employees received no increase in pay."

"Over the past four years, the governor and Legislature have invested significant amounts of money into the pay progression of prosecutors."

Bonnett said many ADAs spend 5 to 7 years working cases and gaining experience before deciding if they want to pursue a DA position or another option. She said the turnover rate among ADAs is "atrocious" because many leave the field after a few years, shrinking the pool of experienced prosecutors.

"The pay progression model would be nice, but really we need more people. If we can't keep good ADAs around, we have a really big problem," Bonnett said. "Really any county in the state should have two full-time prosecutors because of all the other duties the DA has to do as an elected official."

In the end, it's the victims that could be hurt the most.

"You get a lot of ADAs who are handling sex assault crimes and other high-level cases that don't have much experience," Hamm said. "People are working hard for the victims, but they might not be getting the most experienced person handling their cases."

Multiple attempts to reach Columbia County DA Jane Kohlway for comment on this story were unsuccessful.

#### **2012-14 District Attorney Workload Analysis**

##### **Adams County**

Full-time positions: 1.20

Additional full-time positions needed: 1.36

Estimated total full-time positions needed: 2.56

##### **Columbia County**

Full-time positions: 4.75

Additional full-time positions needed: 3.32

Estimated total full-time positions needed: 8.07

##### **Juneau County**

Full-time positions: 2.50

Additional full-time positions needed: .67

Estimated total full-time positions needed: 3.17

##### **Sauk County**

Full-time positions: 5.00

\*Program revenue funded full-time positions: .80

Additional full-time positions needed: 1.36

Estimated total full-time positions needed: 7.16

*Source: Wisconsin Department of Administration*

# FOX11 Investigates shortage of assistant DAs, backlog of cases

by Mark Leland, FOX11 Investigates - Wednesday, March 15th 2017

GREEN BAY - (WLUX) -Justice is supposed to be served in a timely manner. But a backlog of police cases referred to the Brown County District Attorney's office can lead to a lengthy wait.

The reason—a shortage of attorneys. And other counties are affected too.

More than 5,600 criminal cases make their way through Brown County Court every year. A typical assistant district attorney handles as many as 450 cases a year—from misdemeanors to felonies.

And yet, with 15 lawyers in the office working Brown County cases, that's not enough to keep up with the 9,000 cases being referred for prosecution by the area's law enforcement agencies.

"There are hundreds, literally hundreds of law enforcement officers in Brown County which funnels down to the 15 lawyers roughly in our office," said David Lasee, Brown County District Attorney.

Out of the 15 lawyers on staff—12 are state funded as required by law. A grant pays for another position that is shared with more than a dozen other counties. And Brown County seeing the need for more prosecutors opted to pay for two additional lawyers.

Lasee showed FOX11 Investigates the case files his office is currently dealing with—some dating back more than two years.

"We're still substantially behind. Two to three thousand cases behind," said Lasee, indicating his staff can't catch up with the current case load.

"That's what they feel like. I've made it a priority not to fall further behind," added Lasee.

That's right. Lasee tells FOX 11 Investigates his office is behind by as many as 3,000 cases.

The cases are prioritized. High profile crimes like murder, and sexual assault head to court right away. But lower level crimes get pushed off. And in some cases the time to prosecute expires.

"We've had cases that we just couldn't prosecute anymore because they're beyond the statute of limitations," said Lasee.

Other cases waiting to be charged move up on the list, when the offender is picked up again for another crime.

"Yes and that's a problem for law enforcement as well, because we're making the assumption that that individual is already arrested on a charge," said Brown County Sheriff John Gossage.

Gossage says with new technology his officers are getting better at what they do. And they're making more arrests.

Extra funding is made available at times to put more officers on the streets for special operations. But the office left to prosecute all these cases hasn't received extra help in years--leaving the cases to pile up.

"We're arresting more people for some large crimes, some felony crimes and yes they're sitting there," said Gossage, who adds he understands the frustration with staff at the district attorney's office.

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District attorneys across the state routinely ask the legislature to fund more prosecutors. For the upcoming budget the state's District Attorneys Association requested 96 positions for various counties around the state.

None are in the governor's budget.

"Is there a need for more prosecutors?" FOX 11 Investigates asked State Representative Andre Jacque, (R) De Pere.

"I absolutely believe so," said Jacque.

Jacques introduced legislation in 2015 to hire more prosecutors statewide. The budget motion went nowhere. He says other budget items like healthcare, education, transportation and corrections didn't leave money for more prosecutors.

"Budgets are about priorities and funding for DAs has languished under both Republican and Democratic administrations," said Jacque.

A state study of 'county prosecutor needs' conducted in 2014 estimated Brown County should have closer to 25 prosecutors to handle its case load.

"By the state's own calculations we need to have about 11 and a half more prosecutors," said Lasee.

Statewide there is a shortage of 140 prosecutors—although no county is in need of more prosecutors than Brown. In Winnebago County state calculations indicate another 6 prosecutors are warranted. In Outagamie County it's closer to 9 needed.

[View prosecutor staffing levels and projections here for all Wisconsin counties.](#)

The shortage of prosecutors isn't the only problem, how much their paid is also an issue. Assistant district attorneys start at \$49,000 a year—that's at least \$10,000 less than the pay for the city's assistant attorneys and the county's corporation counsel assistants.

The legislature approved a 17-step plan to give the prosecutors annual raises up to a maximum salary of \$119,000. The catch is the legislature doesn't always approve funding to pay for those raises.

"We lost five lawyers in the last two years, three or four them directly attributed to a lack of progression through the pay scale," stated Lasee.

The governor's current budget proposal does include funding for pay raises.

Jacque applauds that effort, but plans to reintroduce his request for more prosecutors.

FOX 11 Investigates reminded Jacque that Brown County right now is as many as 3,000 cases behind, backlogged, and without more prosecutors will never catch up.

"The bottom line is that we're supposed to have a right to a swift trial and we're supposed to have the resources to bring cases to trial in a timely basis," said Jacque.

To ease the workload on the district attorney's office, Lasee says he's told law enforcement agencies in Brown County to prioritize their referrals.

Agencies are told to direct cases involving low level drug users or other lesser offenses to municipal court where the offenses can be handled with a fine.

Lasee admits public safety is an issue with low level criminals oftentimes progressing to bigger crimes without facing a proper deterrent early on.

3

# Marinette County District Attorney quits over caseload

**MARINETTE COUNTY, Wis. (WBAY)** - Nearly all of the 71 district attorney's offices in Wisconsin are swamped with a backlog of cases, and now the Marinette County District Attorney is calling it quits after his case backlog surpassed 400.



The Attorney General's office says that statewide case backlog could mean victims wait years to see justice.

Marinette County prosecutors fight to keep up with their increasing number of drug-related felony cases, and the new District Attorney will have to make time to prosecute a backlog of 400-some cases, left behind by resigning District Attorney Allen Brey.

Brey declined our request for interview, but he recently told the Marinette Eagle Herald newspaper, "Morally, I cannot continue to work in a system that treats crime victims so poorly. My parents didn't raise me this way."

Brey blames the problems on "a lack of resources."

As much as Marinette County struggles, other district attorneys we spoke with say keeping up with the caseload makes for a workweek that far surpasses 40 hours. Some are even worse off than Marinette.

"Our office struggles with many of the same issues (Brey) discussed, but on a much larger scale. I would be in no position to advise him on methods for eliminating backlog," wrote Brown County Dave Lasee.

"Marinette County is not unique," said a spokesman from the state Department of Justice. "There is no question that if Wisconsin does not address the severe understaffing soon, innocent crime victims will suffer."

But according to State Representative John Nygren (R-Marinette), some help is on the way.

"The Joint Finance Committee recently approved an additional part-time position requested by the Marinette County DA," said Nygren. "It is my hope that this addition will significantly help with the caseload in the future."

We reached out to Marinette County to ask if an additional part-time DA would solve a 400-case backlog. Our requests were denied.

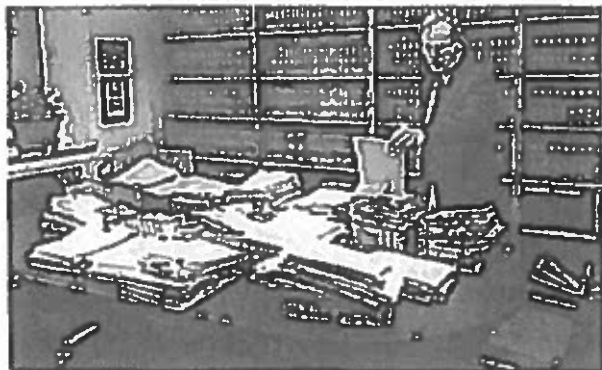
Brey's last day is June 4. Governor Walker is in the process of interviewing candidates to fill that position.

# Marinette County District Attorney Allen Brey gives reasons behind resignation

**DAN KITKOWSKI**, EH editor – Wednesday, May 03, 2017 12:00AM

"I hit the point where morally I can't continue to treat these crime victims this way. I don't have it in me. To me it is morally wrong." Allen Brey - Marinette County District Attorney

"I quit! I'm terminating my state employment." Allen Brey - Marinette County DA



Marinette County District Attorney Allen Brey pages through one of the hundreds of backlogged cases in a conference room in his office. Frustration with getting swift justice for victims is the main reason the longtime DA is resigning.

**MARINETTE** — Stacks of case files sit in the office of Marinette County District Attorney Allen Brey, located on the second floor of the courthouse.

Some are piled on top of filing cabinets. Some are arranged on a table. Wherever he can find room. Every file — which now number more than 400 — contains a criminal case where a victim is waiting for justice to be served. They are referrals from law enforcement and the number has steadily increased.

In March, the prosecutor with more than 35 years' experience had enough. Brey, a state employee, submitted his resignation to Wisconsin Gov. Scott Walker. His last day of work will be June 4. Walker will choose a replacement to fill out the term of the elected position.

Brey gave no reason in March why he is resigning. He made his reasons clear Friday in an interview with the EagleHerald.

The 62-year-old straight-shooter said firmly, this is not a retirement. "I quit. I'm terminating my state employment," he said. Brey said when the number of referrals reached more than 350 he thought about resigning. When it hit 400, he made the move.

"Morally, I cannot continue to work in a system that treats crime victims so poorly," Brey said. "My parents didn't raise me this way. I don't believe in this and I can't continue to work in a system where crime victims have to wait years for service. In the end, that's the bottom line. I don't control the resources. I have tried to persuade the people who do (control the resources) to provide more and that's been to no avail." He continued, "I tell people, if your case is not immediately processed, you should expect to wait two years before we get a chance to look at it. How would you like to be that victim?"

Brey said the victims are angry, confused and dumbfounded. "They don't understand it," he said. "The majority of them live here in the county. They work here. They live here. They will say 'I pay my taxes. I vote. I do everything I'm supposed to do. Why do I have to wait two years. I'm the victim here.' To a crime victim, their case is the most important one in the office and rightfully so. They're the victims. 'It's great for the criminals. There's absolutely no deterrence.'"

Brey said he had his resignation letter drafted in January, but he held off when one of his employees resigned. He said he wanted to leave with a full support staff.

As for that support staff, he points out it's exactly the same as it was in March of 1993, when he was hired as an assistant district attorney. There's one clerk, two legal secretaries and a victim witness coordinator.

In 1996, the county added another legal secretary, but that lasted only a few years.

"When the sky was falling under Gov. (Scott) McCallum in 2003 or 2004, the county slaughtered 15 employees," Brey said. "They slaughtered one out of this office. That was 20 percent of my support staff out the door that hasn't come back. I asked, 'just give me back what I had.' The answer has been steadfastly no."

#### Getting his life back

Brey said he knew his life was out of whack between work and family, but he didn't realize to what extent until his family organized "an intervention" sometime over Christmas.

"My life was getting to be out of balance," Brey said. "I didn't realize how out of balance it was"

He said during the intervention session, his family got his 86-year-old father, Bill, on the phone from his winter home in Florida. His father told him he's been trying to contact him every weeknight and on weekends and he's always at work.

Brey said his father asked, "'If I want to call you Sunday morning at 8 a.m. where are you going to be,'" he said. "I told him I would be at my desk. 'You're at your desk instead of at church? Do I have to say anything to you about that?'" (Brey said he normally attends church on Saturdays and leaves Sunday mornings for going to the office.)

And the reason Brey spends so much time at work is simple — he said he's trying to catch up on the backlog of cases.

Brey said Kent Hoffmann (a former Marinette County Assistant District Attorney and now a Sheboygan County judge) once told him he didn't realize he was signing up for a lifestyle, rather than a job.

"It's 60 hours every week," Brey said. "Every night I'm taking things home, or coming back in. On Saturday and Sunday I come in and I'm doing the people's work. It isn't right to our families that we're stealing this time from them, much less from ourselves. To be trying to do this work to keep the community safe and see that victims are treated the way they should be."

Brey said he could move his clothes into his office and sleep there and still he would never catch up to the backlog.

"Every week gets a little further (behind)," he said. "I hit the point where morally I can't continue to treat these crime victims this way. I don't have it in me. To me it is morally wrong. I don't want to make any grandiose analogies. I don't believe in treating people this way and I can't treat people this way. I won't be part of a process where this is how we're going to treat you."

To their credit, Brey said law enforcement has tried to help the situation by prioritizing crimes and by writing more tickets (instead of referrals) and the Marinette Municipal Court has taken on more of the misdemeanor cases.

#### Trying to add staff

Brey said no Wisconsin governor since Tommy Thompson (1987-2001) has added assistant district attorneys (ADA) to any of the 72 counties. He said studies have shown the State of Wisconsin is greatly understaffed in that regard. He said a national study shows a county should have an ADA for every 10,000 residents. That means Marinette County should have about 4 to 4.5 attorneys in the DA's office.

At the county level, Brey said requests for more office help have fallen on deaf ears, much less trying to get the county to hire attorneys. He said he can't even get put on the agenda of county meetings, including his parent Law Enforcement Committee.

3

"Since 2012, I have not been able to be on a committee as an agenda item, where I have been able to speak about adding staff or backlog, or anything to do with the office and its production," Brey said. "I can use 5 minute public input if I wish. I have to notify them a week in advance and tell them what I'm going to talk about. ... Those are the rules for me."

Longtime supervisor Ken Keller, chairman of the Law Enforcement Committee, disagreed.

"I don't believe it, it's the first I heard of that," Keller said. "I don't know where that's coming from. I never declined a request (from Brey) to be put on (the agenda). There was one time, I said you will have to keep it short, or something like that. That's the extent of it."

Brey repeatedly said county leaders, including Keller, have told him numerous times, "How many times do we have to tell you that we are never going to add any people to your office before you understand we won't do it?"

Keller, again, disagreed. "I don't know where that came from, to be honest with you, and I don't know of any administrator that would have said that to him," he said. "I do not personally know of that happening. That's the first I heard of that."

John Lefebvre, who has been with the county for more than three decades as Land Information Director, was recently hired as full-time administrator after serving in that capacity in an interim role. He understands Brey's frustration.

"I know why he's leaving," Lefebvre said. "Allen knows I would have worked for him to get him what he needed. He and I get along really well. We had discussions, even prior to his announcing his resignation."

Keller said he, too, believes his committee and Brey have worked well together.

"We've had a good relationship, absolutely," he said. "There's been no name calling or finger pointing that I'm aware of and I've chaired the committee for a long time."

Lefebvre said the county did agree to help fund a half-time attorney position, but Brey said it's nearly impossible to fill such a post because no lawyer wants to work for \$25,000.

Keller said he's confident the next district attorney won't have the same frustration as Brey. "I think things will work out," he said. "You've got to give a person a little chance to get caught up on stuff. They might have a different aspect on looking at the issue. Sure there are challenges. We have to have someone who's aggressive."

#### Alternative staffing

With virtually no help from the state, Brey said some Wisconsin counties have opted to hire their own attorneys to help ease the case backlogs. He cited Brown and Eau Claire counties, and he even had the DA from Eau Claire County make a presentation to the county's Criminal Justice Coordinating Committee.

Brey said the DA told how Eau Claire County was looking at building a new multimillion dollar jail, but instead decided on hiring attorneys to ease the backlog and utilizing diversion programs to keep people out of jail.

Brey said hiring the attorneys, along with instituting specialty courts and first-offender programs, costs less than building and staffing a new jail.

"It was a win-win," he said, adding that he was hopeful the presentation might spur Marinette County to follow suit. Instead, he said, he got the same response that he won't get any new staff added to his office.

As for Brown County, he said, "I give Brown County credit because they added the employees to the district attorneys office to help with their caseload to make sure that victims are being served. Which is the responsible thing to do. And it isn't just Brown County. All of the larger counties — and many smaller counties — have done something. But Marinette County has gone backwards."

Brey believes understaffing and backlogs are a problem in every county. "All of us complain and talk to legislators," he said. "They tell us it's not in the budget; how can we add it? It's a beautiful political two-step." As for the the specialty courts, Brey is a proponent and he said the Marinette County Drug Court is a great example of something that can work. "The successes far outweigh the failures," he said, "and you're always going to have some failures in diversion programs."



#### Unfinished business

In the 1980s, as a fledgling district attorney, Brey was one of the organizers in attempting to get an oversight committee in Madison to look out for the best interest of district attorneys. While that didn't succeed, Brey is again leading the charge and there's a recently-introduced repair bill that would provide two employees with a free-standing budget and an oversight board to look out for the DAs.

"We're the only group of state employees that doesn't have some kind of an agency or a board down in Madison to oversee our program," he said.

Brey said he tried to get all local legislators to sponsor the current legislation and State Sen. Dave Hansen (D-Green Bay) and State Rep. Jeff Mursau (R-Crivitz) came on board as sponsors.

"It will give us (the district attorneys) a presence in Madison at the executive branch," Brey said, adding that he's hopeful the bill succeeds, but even if it does pass, the action wouldn't take place until October 2019.

"For me, as far as professional goals as a prosecutor, getting that completed closes a circle for me," Brey explained. "I thought, if I could do that, then on the professional side, for what I thought needed to be done with the DA profession, I would have completed the task. That's unfinished business for me. I'm hopeful this will pass."

With no lobbyist and no money for re-election funds, Brey understands it's a tall order. "While I have to be hopeful, either it's going to happen or it's not going to happen," he said.

#### Worst-case scenario

With the backlog of cases and defendants not getting punished, Brey said his greatest fear is that someone who is waiting to get prosecuted is going to do something horrible.

"They're going to kill their partner, wife or girlfriend," he said. "They're going to break into a home and a homeowner is going to get killed. They will do an armed robbery and someone will get hurt. "And then, of course, since they are already standing in line waiting to be prosecuted, there's no deterrence for them not to do it."

Brey said this is a "Willie Horton" waiting to happen, referring to the convicted murderer who, in 1986, while released on a Massachusetts weekend furlough program committed armed robbery, assault and rape.

"This will happen," Brey said. "The law of averages catches up to you. This isn't an 'if' anymore. It's a 'when.'"

*Allen Brey; Age: 62; Family: Wife, Sharon. Three adult children: Elizabeth Vignali, Destin, Fla., Zachary Albrecht (Nicole), Marinette; Matthew Brey, Black River Falls, Wis. Three grandchildren.*

*Childhood: Grew up in Dodge County area; graduate of Beaver Dam High School (1973).*

*Experience: Spent three years in the U.S. Marine Corp., attaining the rank of sergeant. Low clerk in the U.S. Attorney's Office in Minnesota. Served as district attorney in both Wood and Taylor counties. Marinette County Assistant District Attorney 1993 until 2008 when he was elected district attorney.*

*Learning from dad: Brey likely got his work ethic from his father Bill, soon to turn 87, who spends his winters in Florida, but returns to Wisconsin every May to farm crops and raise cattle. "He calls himself a semi-retired farmer," Allen said, adding his dad will return soon to purchase crops and livestock and "fire up the farm" north of Watertown. In October, Bill harvests the crops, sells the livestock and returns to Florida.*

*"When I see him, he'll have some work clothes for me to put on," Brey said.*

*Future plans: He will take some time off (at the urging of his wife) before getting back into the workforce — although not necessarily the legal field, he said. Brey said he and Sharon will visit Florida to see family, but they plan to continue residing in this area.*



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-3392/2  
MLJ:jld

## 2017 ASSEMBLY BILL 502

September 20, 2017 - Introduced by Representatives JACQUE, QUINN, HORLACHER, PETRYK, R. BROOKS, BROSTOFF, GENRICH, KREMER, MILROY, MURPHY, MURSAU, THIESFELDT, TUSLER and SUMMERFIELD, cosponsored by Senators WANGGAARD, HARSDDORF, BEWLEY, HANSEN, VINEHOUT, LASEE, TESTIN and FEYEN. Referred to Committee on Judiciary.

1 **AN ACT relating to: additional assistant district attorney positions.**

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*Analysis by the Legislative Reference Bureau*

This bill creates 20 assistant district attorney positions to be funded and filled in the 2017-19 biennium, with the positions being apportioned across 24 counties to the 23 districts with the lowest current number of FTE positions as a percentage of the estimated total FTE positions needed.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 **SECTION 1. Nonstatutory provisions.**

3 (1) **ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS.** The authorized FTE  
4 positions for the department of administration are increased by 20.0 GPR positions  
5 on January 1, 2019, to be funded from the appropriation under section 20.475 (1) (d)  
6 of the statutes, for the purpose of creating and filling 20 additional assistant district  
7 attorney positions which shall be apportioned as follows to the prosecutorial units  
8 for the following counties:

## ASSEMBLY BILL 502

## SECTION 1

- 1 (a) Adams County shall receive 0.5 assistant district attorney position.
- 2 (b) Barron County shall receive 1.0 assistant district attorney position.
- 3 (c) Bayfield County shall receive 0.5 assistant district attorney position.
- 4 (d) Brown County shall receive 2.0 assistant district attorney positions.
- 5 (e) Burnett County shall receive 1.0 assistant district attorney position.
- 6 (f) Columbia County shall receive 0.5 assistant district attorney position.
- 7 (g) Douglas County shall receive 0.5 assistant district attorney position.
- 8 (h) Dunn County shall receive 1.0 assistant district attorney position.
- 9 (i) Fond du Lac County shall receive 1.0 assistant district attorney position.
- 10 (j) Forest County shall receive 1.0 assistant district attorney position.
- 11 (k) Grant County shall receive 0.5 assistant district attorney position.
- 12 (L) Jackson County shall receive 0.5 assistant district attorney position.
- 13 (m) Langlade County shall receive 1.0 assistant district attorney position.
- 14 (n) Lincoln County shall receive 0.5 assistant district attorney position.
- 15 (o) Monroe County shall receive 1.0 assistant district attorney position.
- 16 (p) Outagamie County shall receive 2.0 assistant district attorney positions.
- 17 (q) Polk County shall receive 0.5 assistant district attorney position.
- 18 (r) Portage County shall receive 1.0 assistant district attorney position.
- 19 (s) Racine County shall receive 1.0 assistant district attorney position.
- 20 (t) Shawano and Menominee counties shall receive 0.5 assistant district
- 21 attorney position.
- 22 (u) Washburn County shall receive 0.5 assistant district attorney position.
- 23 (v) Washington County shall receive 0.5 assistant district attorney position.
- 24 (w) Wood County shall receive 1.5 assistant district attorney position.

25 (END)

3

Study done by The State Dem

administration

## FINAL 2012-2014 DISTRICT ATTORNEY OFFICE WORKLOAD ANALYSIS

DA Office	7/20/16 GPR- Funded FTE Positions*	7/20/16 Program Revenue- Funded FTE Positions*	7/20/16 Total FTE Positions*	Additional FTE Needed	Estimated Total FTE Needed	Additional FTE Needed as a % of 7/20/16 GPR- Funded FTE	Additional FTE Needed as a % of 7/20/16 Total FTE	GPR-Funded FTE as a % of Estimated Total FTE Needed	Total FTE as a % of Estimated Total FTE Needed
Adams	1.20		1.20	1.36	2.56	113.33%	113.33%	48.88%	48.88%
Ashland	2.00		2.00	0.87	2.87	43.50%	43.50%	69.69%	69.69%
Barron	3.00		3.00	3.22	6.22	107.33%	107.33%	48.23%	48.23%
Bayfield	1.00		1.00	0.80	1.80	90.00%	90.00%	52.63%	52.63%
Brown	12.00	1.00	13.00	11.46	24.46	95.50%	88.15%	49.08%	53.15%
Buffalo	1.00		1.00	0.61	1.61	61.00%	61.00%	62.11%	62.11%
Burnett	1.25		1.25	1.85	3.20	156.00%	158.00%	39.06%	39.06%
Cadot	2.00		2.00	1.01	3.01	50.50%	50.50%	66.45%	66.45%
Chippewa	5.00		5.00	1.49	6.49	29.80%	29.80%	77.04%	77.04%
Clark	2.00		2.00	0.56	2.56	28.00%	28.00%	78.13%	78.13%
Columbia	4.75		4.75	3.32	8.07	69.89%	69.89%	58.86%	58.86%
Crawford	1.00		1.00	-0.25	0.75	-25.00%	-25.00%	133.33%	133.33%
Dane	28.85	3.00	29.85	3.21	33.06	11.98%	10.75%	81.22%	80.29%
Dodge	4.00		4.00	2.12	6.12	53.00%	53.00%	65.36%	65.36%
Door	2.00		2.00	0.71	2.71	35.50%	35.50%	73.80%	73.80%
Douglas	3.50		3.50	3.07	6.57	87.71%	87.71%	53.27%	53.27%
Dunn	3.00		3.00	2.93	5.93	97.67%	97.67%	50.59%	50.59%
Eau Claire	8.00	1.00	9.00	4.46	13.46	55.75%	49.56%	59.44%	66.86%
Florence	0.50		0.50	0.39	0.89	78.00%	78.00%	58.18%	58.18%
Fond du Lac	5.00	2.00	7.00	5.44	12.44	108.80%	77.71%	40.19%	56.27%
Forest	1.00		1.00	1.91	2.91	191.00%	191.00%	34.38%	34.38%
Grant	2.00		2.00	2.09	4.09	104.50%	104.50%	48.90%	48.90%
Green	2.00		2.00	0.99	2.99	49.50%	49.50%	68.89%	68.89%
Green Lake	1.50		1.50	0.67	2.17	44.67%	44.67%	69.12%	69.12%
Iowa	1.75		1.75	0.98	2.73	56.00%	56.00%	64.10%	64.10%
Iron	1.00		1.00	-0.27	0.73	-27.00%	-27.00%	138.99%	138.99%
Jackson	2.00		2.00	1.62	3.62	81.00%	81.00%	55.25%	55.25%
Jefferson	5.30		5.30	1.83	7.13	34.53%	34.53%	74.33%	74.33%
Juneau	2.50		2.50	0.67	3.17	26.80%	26.80%	78.88%	78.88%
Kenosha	15.00	1.00	16.00	7.16	23.16	47.73%	44.75%	64.77%	69.08%
Kewaunee	1.50		1.50	-0.14	1.36	-9.33%	-9.33%	110.29%	110.29%
La Crosse	8.00		8.00	4.95	12.95	61.88%	61.88%	61.78%	61.78%
Lafayette	1.00		1.00	0.26	1.26	26.00%	26.00%	79.37%	79.37%
Langlade	1.50		1.50	1.99	3.49	132.67%	132.67%	42.98%	42.98%
Lincoln	2.00		2.00	1.44	3.44	72.00%	72.00%	58.14%	58.14%
Manitowoc	5.00		5.00	2.73	7.73	54.60%	54.60%	64.68%	64.68%
Marathon	8.50	2.50	11.00	3.80	14.80	42.35%	32.73%	58.22%	75.34%
Marquette	2.50	0.10	2.60	0.49	3.09	19.80%	18.85%	80.91%	84.14%
Marquette	1.00		1.00	0.49	1.49	49.00%	49.00%	67.11%	67.11%
Milwaukee	87.00	33.50	120.50	-21.80	98.70	-25.06%	-18.09%	88.15%	122.09%
Monroe	3.00		3.00	3.15	6.15	105.00%	105.00%	48.78%	48.78%
Oconto	2.00		2.00	0.94	2.94	47.00%	47.00%	68.03%	68.03%
Oneida	2.50		2.50	1.55	4.05	62.00%	62.00%	61.73%	61.73%
Outagamie	9.00		9.00	8.83	17.83	98.11%	98.11%	50.48%	50.48%
Ozaukee	3.00		3.00	1.66	4.66	55.33%	55.33%	64.38%	64.38%
Pepin	0.80		0.80	-0.18	0.62	-22.50%	-22.50%	129.03%	129.03%
Pierce	2.50		2.50	0.67	3.17	26.80%	26.80%	78.88%	78.88%
Polk	3.00		3.00	2.84	5.84	94.67%	94.67%	51.37%	51.37%
Portage	4.00		4.00	3.93	7.93	98.25%	98.25%	50.44%	50.44%
Price	1.00		1.00	0.09	1.09	9.00%	9.00%	91.74%	91.74%
Racine	18.00		18.00	11.23	29.23	62.39%	62.39%	61.58%	61.58%
Richland	1.80		1.80	-0.10	1.70	-5.56%	-5.56%	105.88%	105.88%
Rock	14.00		14.00	2.57	16.57	18.36%	18.36%	84.49%	84.49%
Rusk	1.50		1.50	0.52	2.02	34.67%	34.67%	74.26%	74.26%
Saint Croix	6.00		6.00	1.05	7.05	17.50%	17.50%	85.11%	85.11%
Sauk	5.00	0.80	5.80	1.36	7.16	27.20%	23.45%	69.83%	81.01%
Sawyer	2.00		2.00	1.10	3.10	55.00%	55.00%	64.52%	64.52%
Shawano	3.00		3.00	2.19	5.19	73.00%	73.00%	57.80%	57.80%

DA Office	7/20/16 GPR- Funded FTE Positions*	7/20/16 Program Revenue- Funded FTE Positions*	7/20/16 Total FTE Positions*	Additional FTE Needed	Estimated Total FTE Needed	Additional FTE Needed as a % of 7/20/16 GPR- Funded FTE	Additional FTE Needed as a % of 7/20/16 Total FTE	GPR-Funded FTE as a % of Estimated Total FTE Needed	Total FTE as a % of Estimated Total FTE Needed
Shaboygan	7.50		7.50	4.08	11.58	54.40%	54.40%	64.77%	64.77%
Taylor	1.00		1.00	0.41	1.41	41.00%	41.00%	70.92%	70.92%
Trempealeau	2.00		2.00	1.13	3.13	56.50%	56.50%	63.90%	63.90%
Vernon	2.00		2.00	-0.09	1.91	-4.50%	-4.50%	104.71%	104.71%
Vilas	2.00		2.00	1.17	3.17	58.50%	58.50%	63.09%	63.09%
Walworth	5.00		5.00	2.46	7.46	49.20%	49.20%	67.02%	67.02%
Washburn	1.25		1.25	0.86	2.21	76.80%	76.80%	56.56%	56.56%
Washington	5.00		5.00	4.08	9.08	81.60%	81.60%	55.07%	55.07%
Waukesha	14.50	2.00	16.50	7.88	24.18	52.97%	48.55%	59.97%	68.24%
Waupaca	3.50		3.50	1.36	4.86	38.86%	38.86%	72.02%	72.02%
Waushara	2.00		2.00	1.18	3.18	58.00%	58.00%	63.29%	63.29%
Winnebago	10.00		10.00	5.97	15.97	59.70%	59.70%	62.62%	62.62%
Wood	4.00		4.00	5.40	9.40	135.00%	135.00%	42.55%	42.55%
<b>TOTALS</b>	<b>382.95</b>	<b>46.80</b>	<b>429.85</b>	<b>139.66</b>	<b>569.51</b>				
*Modifications									
1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses									
2) In Milwaukee, the total FTE used is 120.50 rather than 121.50 due to the following factor:									
a) the 1.0 FTE DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.									
3) In Brown the total FTE used is 13.00 rather than 14.00 due to the following factor:									
a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.									
4) In Fond du Lac the total FTE used is 7.00 rather than 8.00 because the Title IV-E CHIPS/TPR position has no funding.									
5) In Outagamie the total FTE used is 9.00 rather than 10.00 because the VAWA position has no funding.									
6) The weighted time estimate for CHIPS cases was changed from 2.81 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.									
7) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2008.									
8) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2008.									
9) WDAA Executive Board authorized the following changes to the weighted time estimates beginning with the 2007-08 caseload study:									
a) Increase the "reviewing case referrals that are not prosecuted" from 35 to 100 hours per year, thereby reducing hours available per prosecutor to handle individual cases to 1182 per year.									
b) Weighted time estimate for Class A and First Degree Reckless homicides changed from 100 hours each to 180 hours each.									
c) Weighted time estimate for "All other Homicides" changed from 50 to 80 hours each.									
d) The weighted time estimate for misdemeanors changed from 2.17 hours each to 2.91 hours each.									
e) The weighted time estimate for criminal traffic changed from 1.58 hours each to 2.91 hours each.									
f) Weighted time estimate for juvenile delinquency changed from 3.32 hours each to 3.44 hours each.									

38



Parks, Recreation and Forestry

December 4, 2017

Matt Kriese – Brown County Assistant Park Director  
2024 Lakeview Drive  
Suamico, WI 54173

Dear Mr. Kriese,

On February 15, 2017, the City of Green Bay Park Committee approved accepting the donation of 154.2 acres of Brown County land in the Baird's Creek Greenway. This donation was approved with the condition that 2017 is the last year the County would have to pay the annual \$18,000 for the operation of Triangle Hill. Our records indicate that the 2017 payment was made to the City. This recommendation was then approved at the February 20, 2017 City Council meeting.

Please note that if the County Board decides to keep the property then the terms of the original agreement will remain and the County would be responsible to continue to pay the City \$18,000 annually to maintain Triangle Hill.

Feel free to contact me at 448-3381 if you have any questions.

Sincerely,

Dan Ditscheit – Design & Development Supt.  
Green Bay Parks, Recreation & Forestry Department

**Description and Restrictions for conveyance of Brown County owned lands to City  
of Green Bay for Baird Creek / Triangle Sports Area**

**DESCRIPTION**

Parcels of land described as follows: Part of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  & part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 33 described in 923 R 306 & 923 R 310, also part of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  & part of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 33 described in 923 R 308 except 200 D 460 & part of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 34 described in 923 R 308, also part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 33 described in 924 R 535, also part of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 33 described in 932 R 352, also part of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  & part of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 33 described in 926 R 496 & part of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 34 described in 926 R 388 & 926 R 497 & 948 R 276 & part of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 34 described in 948 R 276, also part of the Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  Section 34 described in 946 R 159 & 943 R 11 & 935 R 356 all in Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin.

**PARCEL NUMBERS** 21-302, 21-305, 21-308, 21-310, 21-311, 21-346, 21-350, 21-353, 21-1243, 21-332-1-C, 21-343-1, 21-353-1

**RESTRICTIONS**

The above described property shall remain held open to the public for park and recreational purposes, conservation of land and other natural resources, or historic or scenic purposes. Should any portion of the above described property ever cease to be used for these limited purposes, then all right, title and interest in the above described property shall revert to Brown County.

# Brown County & City of Green Bay

## Parcel Ownership

Baird Creek & Triangle Sports Area

9/26/2016

### Legend

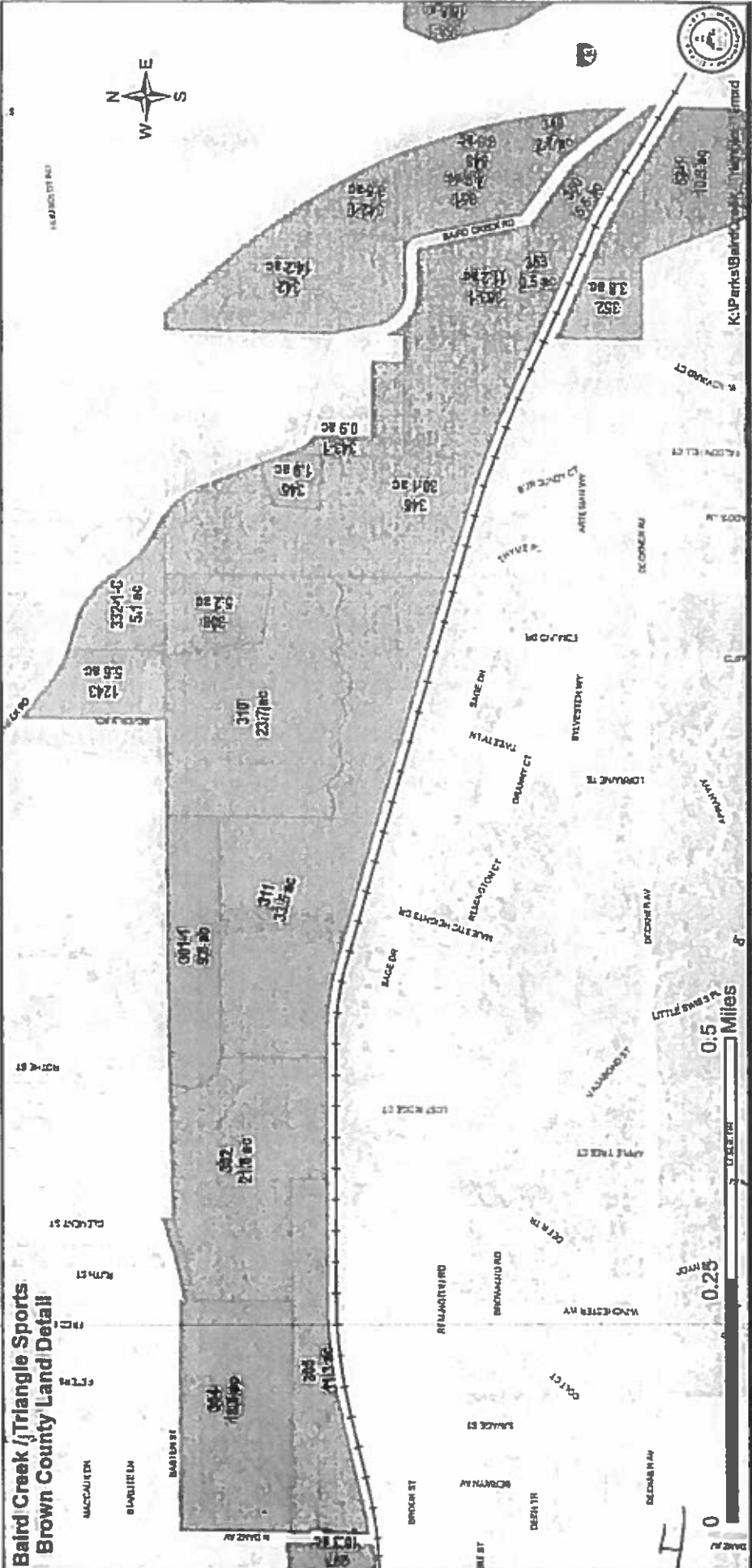
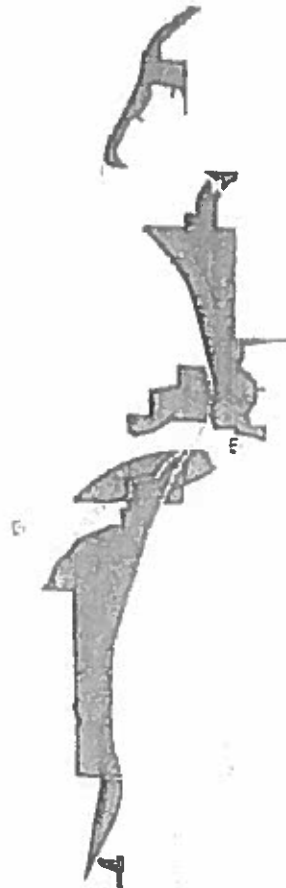
County-owned land

City-owned land

## Baird Creek / Triangle Sports Brown County Land Detail

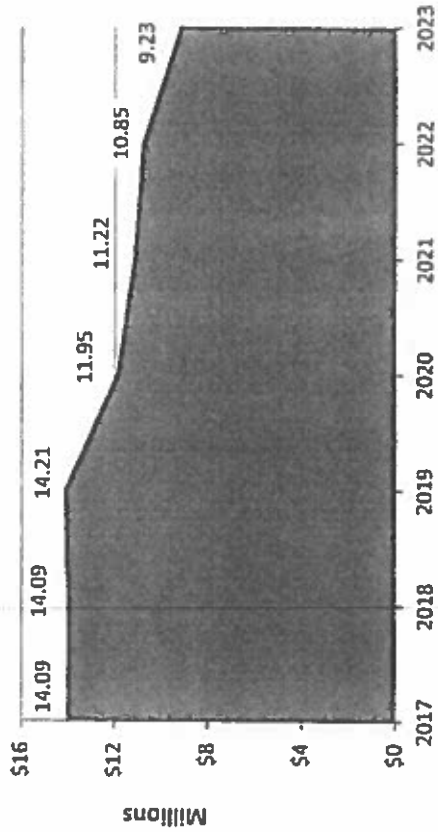
Brown County parcels		City of Green Bay parcels	
Map ID	Acres	Map ID	Acres
302	21.6	27	18.0
305	11.3	30	34.7
308	5.2	48	40.9
310	23.7	49	19.7
311	33.5	297	10.3
346	30.1	304	18.8
350	5.5	342	14.2
353	0.5	345	1.9
1243	5.6	348	3.3
332-1-C	5.1	349	2.7
343-1	0.9	351	4.9
353-1	11.2	352	3.8
		409	11.3
		1218	1.7
		1232	6.3

## Baird Creek / Triangle Sports Area Overview Map

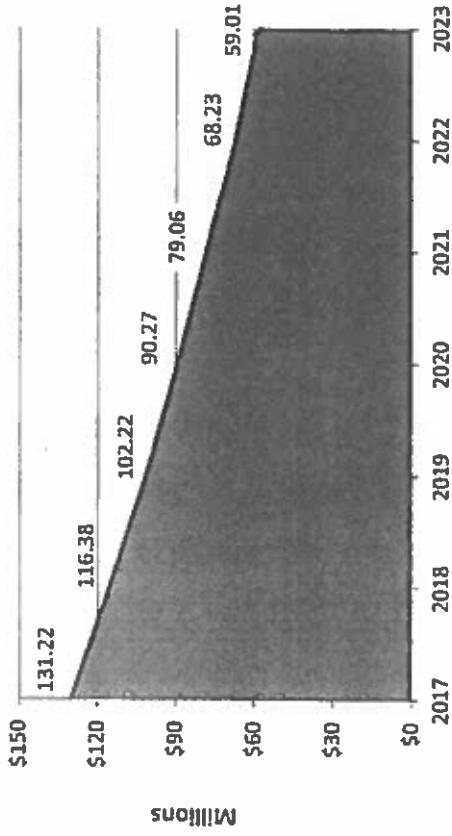




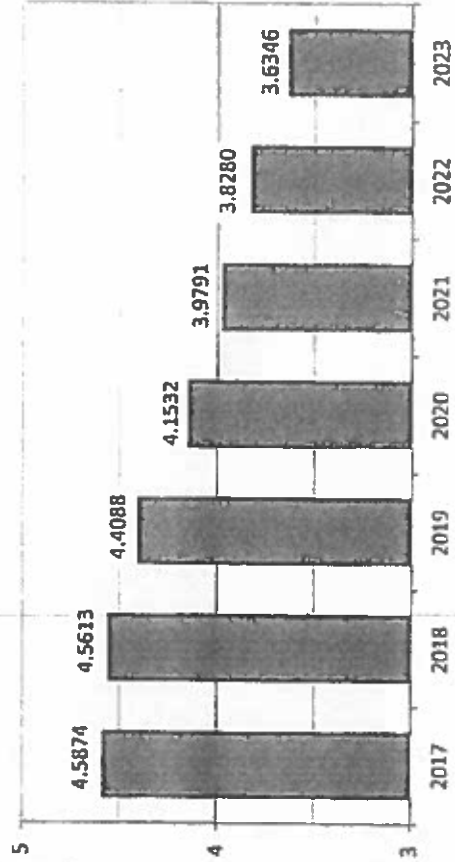
### Debt Service



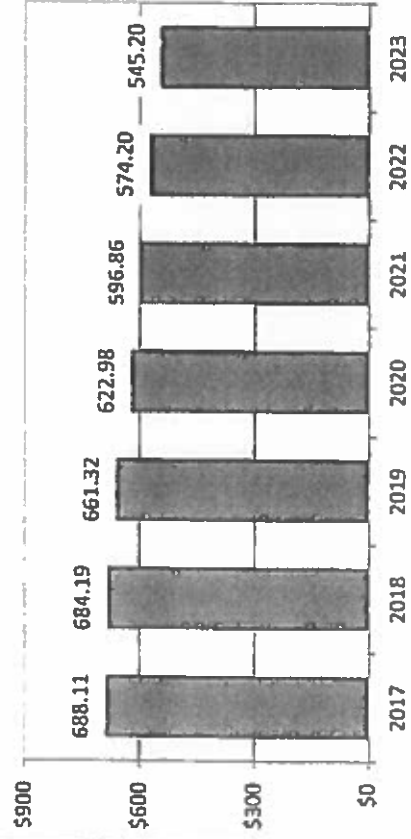
### Outstanding GO Debt



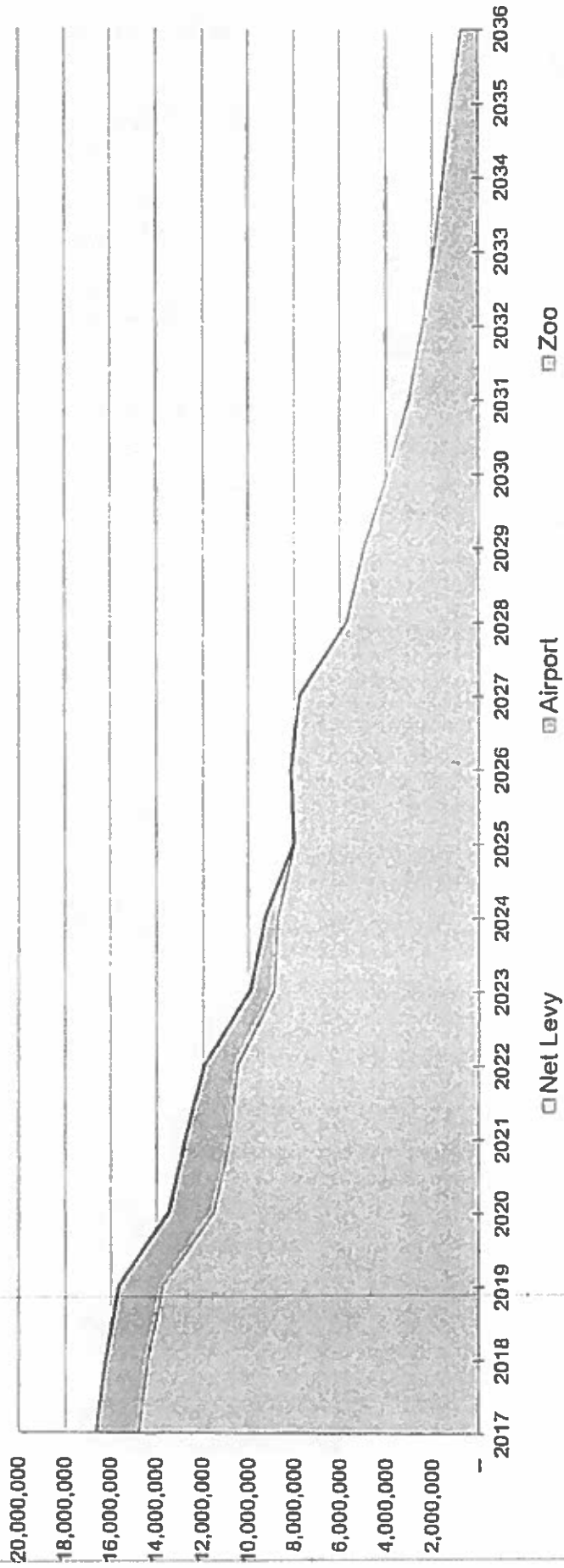
### Countywide Mill Rate



### Property Tax Effect on \$150,000 Home



# Total Debt Service



## Two Year Budget Overview

	2018	2017	2016	16-18 Difference	Source
a Tax Rate	4,5416	4,5874	4,5422	\$	(0.00060) budget page 29-Budget Comparison
b Debt Paid-Principal	11,633,448	11,336,473	10,852,406	\$	781,042.00 budget page 320-Schedule of Debt Service Requirements by Fund
Debt Paid-Interest	3,200,952	3,915,757	4,137,541	\$	(936,589.00) budget page 320-Schedule of Debt Service Requirements by Fund
Debt Paid-Total	14,834,400	15,252,230	14,989,947	\$	(155,547.00) calculation
c Outstanding GO Debt	118,521,384	132,537,853	133,508,233	\$	(14,986,849.00) budget page 319-Outstanding indebtedness
d TOTAL Fund Balance	34,770,139	35,452,094	34,531,512	\$	238,627.00 CAFR Balance Sheet
e Fund Balance Assigned to General Fund	6,177,801	6,538,051	6,125,008	\$	52,793.00 CAFR Balance Sheet
levy	99,285,893	86,661,972	84,432,777	\$	5,853,116.00 Budget Resolution-page 30
Overall Spending	276,488,276	260,068,788	256,875,658	\$	19,612,618.00 budget page 29-Budget Comparison

## Sale Tax Overview

	2017	2023	Difference	
72 Month Projections				BC Finance Department Financial System Date
Debt Reduction	131,218,430.00	\$9,005,609.00	\$ 72,212,821.00	note: Will be greater savings with refunding.
Tax Levy Relief	14,086,908.00	\$ 9,225,968.00	\$ 4,860,940.00	note: Will be reduced with refunding.
Tax Rate Cut (Mill rate)			\$ 0.95	Assuming constant variables
Tax Rate Cut on 150,000 home			\$ 142.91	Assuming constant variables

Note: Moody's AAA Sales Tax Plan was a credit positive

## Hi m 72 Month Investment Plan:

Road & Facilities Infrastructure	60,000,000
Jail & Mental Health	20,000,000
M.E. Morgue & Public Safety	10,000,000
Maintenance Fund Resch & Expo Hall	10,000,000
Fairgrounds & Parks	6,000,000
Library	20,000,000
ExpoHall	15,000,000
STEM	5,000,000
Museum	1,000,000

CASH FLOW TIMING

Department	January	February	March	April	May	June	July	August	September	October	November	December	Totals
Highway				383,350.00	2,309,535.00	1,576,590.00	2,836,162.00	475,675.00	604,750.00	876,625.00			9,384,687.00
Facilities			50,000.00	50,000.00	50,000.00	50,000.00	50,000.00						250,000.00
Trail		100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00	1,100,000.00
M.E.		0.00	25,000.00	25,000.00	50,000.00	50,000.00	50,000.00	50,000.00	52,000.00	75,000.00	75,000.00	75,000.00	535,000.00
Museum									500,000.00				500,000.00
911/ITS			591,000.00						0.00				591,000.00
STETS								500,000.00	500,000.00	1,000,000.00	1,000,000.00	1,700,000.00	4,200,000.00
Parks			27,000.00		210,000.00	20,000.00		241,000.00	0.00				500,000.00
Library					250,000.00	0.00	0.00						250,000.00
Total cash needs	0.00	100,000.00	756,000.00	546,350.00	2,969,535.00	1,796,590.00	1,016,162.00	1,418,675.00	1,954,750.00	2,053,625.00	1,975,000.00	1,375,000.00	17,970,687.00
Sales tax proceeds (cash basis) ***	0.00	0.00	2,041,666.67	2,041,666.67	2,041,666.67	2,041,666.67	2,041,666.67	2,041,666.67	2,041,666.67	2,041,666.67	2,041,666.67	2,041,666.67	20,416,666.70
Estimated inflation price increases			235,831.10	235,831.10	235,831.10	235,831.10	235,831.10	235,831.10	235,831.10	235,831.10	235,831.10	235,831.10	2,358,311.10
Interest earnings using LGIP Sept 2017 rate			1,220.12	2,672.51	2,672.51	2,672.51	2,451.31	1,842.14	2,670.21	2,837.22	3,083.42	3,391.55	22,701.50
Total cash available	0.00	0.00	2,277,497.77	2,278,712.83	2,280,170.32	2,278,576.32	2,279,939.10	2,279,337.91	2,280,117.93	2,280,395.01	2,280,587.17	2,280,889.73	21,797,279.70
Monthly cash surplus (deficit)	0.00	(100,000.00)	1,521,497.77	1,693,367.89	(689,364.68)	481,986.32	(756,172.90)	910,662.91	325,367.98	216,770.01	355,587.17	905,889.73	4,876,592.70
Year-to-date annual cash surplus (deficit)	0.00	(100,000.00)	1,421,497.77	3,114,865.66	2,435,500.98	2,508,482.30	2,152,314.40	3,062,977.33	3,288,345.29	3,615,115.30	3,970,703.47	4,876,592.70	

\*\*\* Sales tax cash proceeds are anticipated to be received from the Washington Department of Revenue (DOR) beginning approximately March 31st (for January sales reported to DOR in February) and then on the last day of each subsequent month